

April 20, 2016

Emily Albano  
Freedom of Information Officer  
United States Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
Albano.emily@epa.gov

Re: *Tri-States Mining District Sites ("Tri-States"), EPA ID #OKD980629844*

Dear Ms. Albano:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the United States Environmental Protection Agency's ("EPA") FOIA regulations, 40 C.F.R. Part 2, ASARCO LLC ("Asarco"), by and through its counsel, McGuireWoods LLP, hereby requests the release of the following documents and information associated with the Tri-States Mining District Sites (the "Site"):

1. All documents listed on the index titled "Cherokee-Newton-Oronogo 104 and 122 Letters to the following PRPs: Doe Run, NL Industries Inc., Sunoco Inc.", received on April 11, 2016 in response to FOIA Request EPA-R7-2016-004449, attached herewith.

For purposes of these requests, "document" refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to correspondence, e-mails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, PowerPoint presentations, meeting agendas, transcripts, call lists, spreadsheets, maps, photographs, data compilations, *Vaughn* indices, privilege logs, or calendars.

In responding to these requests, EPA's search should encompass, but should not be limited to: (a) documents sent to or from email addresses used by current or former EPA employees and representatives, regardless of whether such addresses are private or secondary addresses of official addresses; (b) documents generated for any meeting which EPA participated or conducted, including agendas, spreadsheets, PowerPoint presentations, and notes; (c) documents relating to or evidencing presentations made by any party to agencies or entities or than EPA; (d) documents addressing the timing of EPA disclosures of information to

Asarco or the public; and (e) documents describing non-public meetings and other communications between EPA and any non-governmental parties.

With respect to these requests, EPA need not provide Asarco with duplicative copies of documents to the extent the same document is located in more than one location. EPA should, however, produce *in toto* any document and its accompanying attachments.

#### FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

#### Timing and Mechanics of Production

We request that in responding to this letter, EPA comply with all relevant deadlines and other obligations set forth in FOIA and EPA's regulations, and we look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 40 C.F.R. § 2.104. Given the limited nature of the request, Asarco does not agree to any extension of time for the response beyond the statutory deadlines. Please produce records as soon as possible, on a rolling basis; the search for—and deliberation concerning—certain documents should not delay the production of others that EPA has already retrieved and could turn over. Please note that Asarco is interested in working with EPA to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized document productions.

We understand that there may be fees and costs associated with this request, and we agree to pay any fees or costs up to \$200.00 associated with making these materials available to us. If the costs will be in excess of \$200.00, please advise me before such costs are incurred. Notwithstanding the above, Asarco does not agree to pay any costs to upload or add these records to the Superfund Document Management System.

April 20, 2016

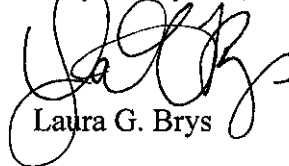
Page 3

We prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, we request that EPA provide the requested information in searchable, electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual e-mails, and their attachments, should be maintained as single msg files. If this is not possible, then e-mails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachments information. Asarco would be happy to provide a hard drive for the records if that is more efficient. We are also amenable to making arrangements for an outside vendor to copy the records identified as responsive to this request.

In responding to the present letter, please mail copies of all requested documents, indices and logs, and any invoice for reasonable FOIA fees to the undersigned at McGuireWoods LLP, 633 West Fifth Street Suite 6700, Los Angeles, California, 90071.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Laura G. Brys', is written over the typed name.

Laura G. Brys

	Document ID	Access Control	Document Date	Title	Author	Addressee	Page Count	Site	SSID	Operable Unit
1	40048147	UCTL(Uncontrolled)	6/8/1981	EPA NOTIFICATION OF HAZARDOUS WASTE SITE NL INDUSTRIES INC-ATTACHED LETTER DATED JUNE 9 1981 AND POTENTIAL HAZARDOUS WASTE SITE IDENTIFICATION FORM	R07: Baser, F, R (NONE)		4	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	
2	40048366	UCTL(Uncontrolled)	5/10/1985	Letter containing a Notice of potential liability to NL Industries, Inc. (concurrence copy)	R07: Kay, Morris (EPA)	R07: (NL INDUSTRIES, INC.)	4	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	
3	40048369	UCTL(Uncontrolled)	12/23/1985	104(e) information request to NL Industries, Inc. (concurrence copy)	R07: Kay, Morris (EPA)	R07: Smith, Janet, D (NL INDUSTRIES, INC.)	4	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	
4	40048370	UCTL(Uncontrolled)	5/22/1986	Letter containing a Notice of potential liability to NL Industries, Inc. (concurrence copy)	R07: Kay, Morris (EPA)	R07: Rodman, H Glenn (NL INDUSTRIES, INC.)	2	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	
5	40048372	UCTL(Uncontrolled)	5/25/1986	Letter responding to the Notice of potential liability	R07: Smith, Janet, D (STAFF COUNSEL, NL INDUSTRIES, INC.)	R07: Werholtz, Jane (OFFICE OF REGIONAL COUNSEL)	1	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	
6	40048373	UCTL(Uncontrolled)	2/2/1989	Letter providing Notification of Potential Liability, the option to Not to Use Special Notice and of the Administrative Record (concurrence copy)	R07: Kay, Morris (EPA)	R07: Rodman, H Glenn (NL INDUSTRIES, INC.)	3	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	
7	40048374	UCTL(Uncontrolled)	3/14/1990	104(e) information request to NL Industries, Inc. (concurrence copy) and 104(e) response	R07: Wagoner, David (EPA)	R07: Sams, Barry (NL INDUSTRIES, INC.)	279	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	
8	24255	UCTL(Uncontrolled)	6/11/1990	REQUEST FOR INFORMATION PURSUANT TO SECTION 104 OF CERCLA FOR THE DOE RUN COMPANY SITE			0	R07: CHEROKEE COUNTY / KSD980741862 / 0700667		R07 / GALENA GROUNDWATER/SURFACEWATR / 05 / KSD980741862
9	72046	UCTL(Uncontrolled)	8/1/1997	RECORD OF DECISION FOR THE BAXTER SPRINGS AND TREECE SUBSITES OPEABLE UNIT #3/#4 CHEROKEE COUNTY, KANSAS			432	R07: CHEROKEE COUNTY / KSD980741862 / 0700667		
10	177458	UCTL(Uncontrolled)	Undated	PRINT OUT FROM POLK COUNTY ASSESSOR, SMITH, R.V.			4	R07: DES MOINES (EX) ORDNANCE PLANT / IA8210890028 / 0700416	R07 / 078G / IA8210890028	
11	40046462	UCTL(Uncontrolled)	Undated	EPA NOTIFICATION OF HAZARDOUS WASTE SITE-ATTACHED LETTER AND TWO RCR COMPANY NAMEN NL INDUSTRIES	R07: Baser, F, R (NONE)		5	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	
12	40052993	UCTL(Uncontrolled)	5/29/1998	LETTER RE: NL INDUSTRIES, INC.	R07: Martin, Marcus, A (BARTLIT BECK HERMAN PALENCHAR & SCOTT)	R07: Drake, David (EPA REGION VII)	2	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	R07 / BAXTER SPRINGS SUBSITE / 03 / KSD980741862, R07 / TREECE SUBSITE / 04 / KSD980741862
13	40056252	UCTL(Uncontrolled)	4/17/1994	GENERAL NOTICE LETTER FOR INVESTIGATION ACTICITIES URGENT LEGAL MATTER- PROMPT REPLY NECESSARY VIA OVERNIGHT MAIL(NOTICE OF POTENTIAL LIABILITY)	R07: Sanderson, Micahel J. (DIRECTOR, SUPERFUND DIVISION)	R07: Smith, Janet, D (NL INDUSTRIES, INC.)	4	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	R07 / GALENA RESIDENTIAL SOILS / 07 / KSD980741862
14	40058234	UCTL(Uncontrolled)	6/11/1990	DRAFT LETTER RE: REQUEST FOR INFORMATION PURSUANT TO SECTION 104 OF CERCLA FOR DOE RUN COMPANY SITE FORMERLY KNOWN AS ST JOE MINERALS	R07: Wagoner, David, A (NONE)		2	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	R07 / GALENA GROUNDWATER/SURFACEWATR / 05 / KSD980741862
15	40203628	UND(Controlled-Undetermined )	4/1/2005	LETTER RE: CHEROKEE COUNTY SPFD OU#6 REMEDIAL DESIGN/REMEDIAL ACTION PRE- REFERRAL NEGOTIATIONS	R07: Gulliford, James (EPA)	R07: Cruden, John (NONE)	20	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	R07 / BADGER, LAWTON, WACO / 06 / KSD980741862
16	40347334	UND(Controlled-Undetermined )	12/7/2009	Letter transmitting the financial responsibility required by the Consent Decree	R07: Kahlon, Micheko (NONE)	R07: Askew, John (EPA)	125	R07: CHEROKEE COUNTY / KSD980741862 / 0700667	R07 / 0737 / KSD980741862	R07 / BADGER, LAWTON, WACO / 06 / KSD980741862
17	40115047	UCTL(Uncontrolled)	10/17/1994	THIS LETTER IS IN RESPONSE TO MR. DAVID DELMAN'S LETTER DATED JUNE 28, 1994, SENT TO THE EPA REGION VII	R07: Kloeckner, E. Jane (ASST. REGIONAL COUNSEL/EPA)	R07: Nowotny, Walter, W (THE DOE RUN COMPANY)	4	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	
18	40275496	UCTL(Uncontrolled)	10/17/1994	Letter regarding Participation in All Ongoing Response Actions	R07: Kloeckner, E Jane (EPA)	R07: Stellato (SHERWIN WILLIAMS), R07: Love, Gary H. (ARKLA CHEMICAL CORPORATION), R07: Washington, Larry (ANDALEX RESOURCES, INC.), R07: Fisher, Roger K. (ORTIZ MINES, INC.), R07: Washington, Larry (WEST KEN COAL CORPORATION), R07: (CHILDRESS ROYALTY COMPANY)	4	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / GROUND WATER / 04 / MOD980686281
19	40115310	UCTL(Uncontrolled)	12/17/1996	6 LETTERS RE: REQUEST FOR INFORMATION PURSUANT TO SECTION 104 CERCLA JASPER COUNTY SUPERFUND SITE	R07: Sanderson, Michael, J (United States Environmental Protection Agency)		102	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	
20	40259961	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Reigel, Stanley, A (MORRISON & HECKER LLP)	14	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	
21	40259962	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Reigel, Stanley (MORRISON & HECKER)	14	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
22	40259964	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Faye, Terrance (NONE)	14	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	
23	40259965	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Faye, Terrance (NONE)	14	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
24	40259967	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Marucheau, Louis (DOE RUN)	14	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
25	40259969	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Martin, Marcus (HIGHLAND ENVIRONMENTAL MANAGEMENT)	14	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
26	40259971	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Mccaffrey, Kevin, J (ASARCO)	28	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
27	40259972	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Haines, Thomas (SUNOCO, INC.)	14	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
28	40259973	UCTL(Uncontrolled)	9/28/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Groy, Jeffrey, B (VIACOM INC)	14	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
29	40259970	UCTL(Uncontrolled)	10/14/2005	SPECIAL NOTICE LETTER - REMEDIAL DESIGN INFORMATION REQUEST LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Tellechea, Daniel (ASARCO, INC)	16	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
30	40259960	UCTL(Uncontrolled)	2/27/2007	NOTICE LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Hill, Theresa, N (RHODES, HIERONYMUS, JONES, TUCKER & GABLE, P.L.L.C.)	15	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
31	40259963	UCTL(Uncontrolled)	2/27/2007	NOTICE LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Faye, Terrance (NONE)	15	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
32	40259966	UCTL(Uncontrolled)	2/27/2007	NOTICE LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Ahrens, Richard, A (ATTORNEY AT LA	15	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281
33	40259968	UCTL(Uncontrolled)	2/27/2007	NOTICE LETTER	R07: Tapia, Cecilia (EPA REGION VII)	R07: Gibson, Christopher, R (ARCHER & GR	15	R07: ORONOGO-DUENWEG MINING BELT / MOD980686281 / 0701290	R07 / 0736 / MOD980686281	R07 / MINE AND MILL WASTE / 01 / MOD980686281